REED SMITH SHAW & MCCLAY

JONATHAN E. CANIS
202-414-9483

FAX 202-414-9299

1301 K STREET, N.W.
SUITE 1100 - EAST TOWER
WASHINGTON, D.C. 20005-3317
202-414-9200

PITTSBURGH, PA
PHILADELPHIA, PA
HARRISBURG, PA
McLEAN, VA
PRINCETON, NJ
NEW YORK, NY

July 22, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M St., N.W., Room 222
Washington, DC 20554

Re: Written *Ex Parte* Statement of Intermedia Communications Inc.in CC Docket 96-98

Dear Mr. Caton:

Intermedia Communications Inc. ("ICI"), by its undersigned counsel and pursuant to § 1.1206(a)(1) of the Commission's Rules, hereby respectfully submits this written *ex parte* statement in CC Docket No. 96-98. An original and two copies of the submission are provided.

Please direct any inquiries regarding the attached *ex parte* statement to the undersigned.

Respectfully submitted,

Wendy I. Kirchick

WIK/nr
Enclosures

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List ABCDE

cc: Stuart Kupinsky, (FCC) (Hand Delivery)
Paul Gallant, (FCC) (FAX & Hand Delivery)
Mary Brown (MCI) (Fax)
Don Sussman (MCI) (Fax)
James K. Smith (Ameritech) (Fax)
International Transcription Services

ORIGINAL

EX PARTE OR LATE FILED

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Implementation of the Local Competition Provisions in the Telecommunications Act of 1996	)	CC Docket No. 96-98

INTERMEDIA COMMUNICATIONS, INC.
EX PARTE STATEMENT CONCERNING INTERCONNECTION AT
LEC NETWORK INTERCONNECTION DEVICES AND OTHER POINTS

Pursuant to a request by Commission Staff, Intermedia Communications Inc. ("ICI") by its undersigned counsel, submits this written *ex parte* statement to address arguments made by MCI Communications Corporation ("MCI") and Ameritech in *ex parte* statements filed with the Commission on July 12, 1996 and July 15, 1996, respectively. This statement is submitted for the limited purpose of supporting the mandatory unbundling of incumbent local exchange carrier ("ILEC") network loop elements at all technically feasible points of aggregation and cross-connection, pursuant to § 251(c)(3) of the Telecommunications Act of 1996 ("1996 Act").

I. ICI AGREES WITH MCI THAT THE LOCAL LOOP MUST BE UNBUNDLED AT THE NETWORK INTERFACE DEVICE, AS WELL AS OTHER POINTS

ICI fully endorses MCI's position, and concurs that the Network Interface Device is a segregable network element that is important to competitors, and that it is technically feasible for ILECs to offer interconnection at the NID as an unbundled network element. ICI also posits that the Ameritech response in fact demonstrates that

such interconnection at the NID is technically feasible, and effectively concedes that NID unbundling is mandated by the 1996 Act.

While both MCI and Ameritech have performed a considerable public service in providing significant technical detail concerning the type of NID interconnection that MCI has requested, ICI is concerned that the Commission adopt a broader and more inclusive set of interconnection requirements that are not bound by a static view of technology -- and certainly are not restricted to the few particular pieces of equipment that MCI and Ameritech have identified for a very limited interconnection scenario. Rather, ICI urges the Commission to give effect to the clear meaning of the 1996 Act, which requires loop unbundling and interconnection in a dynamic environment in which both ILECs and CLECs are free to configure their networks optimally using innovative technology as it becomes available.

ICI agrees with Ameritech that the "NID" should be considered as a generic point of interconnection, and should not be considered to represent a single technology or piece of equipment.[1] Indeed, while the NID interconnection application posited by MCI involves a non-intelligent or passive device,[2] other types of equipment could easily serve a similar function. For example, it is not uncommon now for ILECs to deploy fiber optic cable feeds off their SONET networks to large customer locations. In this case, an optical terminating line multiplexer or other type of terminating equipment may be deployed in the basement of a multitenant building to act as a "NID" that

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1 Ameritech *ex parte* at 1.

2 MCI *ex parte* at 1.

terminates ILEC network plant on the trunk side and provides access to the customer's inside wire on the line side.

Similarly, in a multitenant building, if the NID is not located outside the building housing the customer, but instead is located near the customer's premises within the building, the Act requires the ILEC to unbundle the lateral and riser cable, as well as any concentration or cross-connection equipment located within the building. Such unbundling is discussed in additional detail below.

Moreover, while both MCI and Ameritech discussed only NID arrangements in a multitenant building scenario, interconnection with similar access devices is also necessary in multistructure environments, such as college campuses and industrial parks. In this type of arrangement, the ILEC network may terminate in a digital loop carrier arrangement, which will act as the NID to the customer-owned network serving the various buildings in the campus or park. In another configuration, the ILEC loop network may not end at the loop carrier, but may continue down the distribution cable to bring service to individual buildings within the campus or park. In that case, competitive carriers may wish to interconnect either at the loop carrier, or at the NIDs located at individual buildings on the campus. These variations will provide both ILECs and competitive carriers options to configure their networks optimally. They also will give rise to a variety of technically feasible interconnection points along the ILEC loop.

In short, depending on the equipment used and the configuration of the ILEC and CLEC networks, the type of interconnection that is technically feasible within the meaning of § 251(c)(3) of the 1996 Act will change considerably, and the

Commission's interconnection rules must be sufficiently broad to accommodate a variety of appropriate interconnection arrangements. ICI reiterates that the Commission should mandate that ILECs are required to offer as unbundled network elements all points of cross-connection and concentration along their local loops.

II. ILECS MUST UNBUNDLE LATERAL, RISER AND DISTRIBUTION CABLE AND CONDUIT WITHIN THEIR CONTROL

ICI urges the Commission to look beyond the scenarios discussed in the MCI and Ameritech pleadings to consider other loop unbundling and interconnection arrangements that are equally important to the development of competitive local services markets. In particular, the MCI and Ameritech filings discuss interconnection scenarios in which the point of demarcation between the ILEC's network and the building-owners' inside wire is located outside the building, or in a "telco room" just inside the building. While such a configuration is common, it is by no means universal -- and the unbundling and interconnection requirements of the 1996 Act demand that other configurations be addressed as well.

Indeed, whether by state public service commission regulation or industry practice, ILECs often own and control the riser, lateral, feeder and distribution conduit and cable that brings service to individual tenant locations. In multitenant buildings it is not uncommon for the ILEC to own and control the riser and lateral conduit that brings service up to individual tenant premises within the building. For example, the Florida Public Service Commission defines the demarcation point between the LEC network

and inside wire as: "[In a] *single line/multi customer building* - within the customer's premises at a point easily accessed by the customer."[3]

Moreover, in states where the building owner has the right to determine the point of demarcation, several cases make clear that standard industry practice often results in the ILEC establishing demarcation points at individual tenant locations. For example, the Washington Utilities and Transportation Commission in 1993 approved a settlement agreement involving US West and several property owners that established terms for "intra-building network cable." The provisions of that agreement state:

> Intra-Premise Network Cable and Wire (IPNCAW) is the portion of the exchange access line circuit that commences at the Minimum Point of Entry (MPOE) up to and including the Standard Network Interface (NSI). It includes wiring enclosures, house and riser cable, the protector, 66 blocks, etc.
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> * * *
>
> In multi-tenant buildings (those housing multiple customers of record for USWC services), this IPNCAW extends from the MPOE to the Demarcation Point designed by the building or property owner, but in no case shall the IPNCAW extend beyond 12" or as close as is technically feasible within each customer's (tenant's) occupied space/unit.
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> * * *
>
> Where intrapremise network cable and wire currently exist Building owners can relocate the Demarcation Point . . . toward the MPOE from its present location at any time.
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> * * *
>
> Current building owners may relocate the Demarcation Point from the MPOE further within the premises, thereby extending regulated Company facilities (IPNCAW) further within the premises.[4]

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3 Florida Public Service Commission, *Proposed Amendments of Rules 25-4.003 et cet.*, Docket No. 951283-TL, Order No. PSC-96-0250-FOF-TL (Feb. 21, 1996), at 35.

4 *Washington Utilities and Transportation Commission, Complainant v. U S West Communications, Respondent,* Docket No. UT-920474 (Apr. 30, 1993), at 20-22.

A review of cases in other jurisdictions further illustrates that it has been a common industry practice for LECs to establish demarcation points at multiple tenant locations within multitenant buildings.[5]

Notably, in New York, NYNEX published a tariffed rate element called an "intrabuilding channel termination." This rate element represents an offering of riser and lateral conduit and cable on an unbundled basis, and illustrates that such subloop unbundling is technically feasible and entirely practicable. ICI attaches a copy of the tariffed intrabuilding channel termination offering as Appendix A.[6]

This precedent is not limited to state decisions, but is also reflected in the Commission's own inside wire rules and the rules of state commissions that have adopted the federal standard. The Commission's currently effective inside wire rules specifically accommodate industry practices that place multiple demarcation points at

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5 *See, e.g.*, Public Utility Commission of Texas, *Complaint of GE Capital Rescom and Multitechnology Services, L.P., Against GTE Southwest Incorporated for Refusal to Relocate Network Demarcation Points*, Docket No. 14147 (Aug. 9, 1995) (GTE had installed multiple demarcation points throughout apartment building, which ultimately were moved to the MPOE); Pennsylvania Public Utility Commission, *Elisabeth Ellenbogen v. Bell Atlantic-Pennsylvania, Inc.*,. C-00945769 (Nov. 9, 1994) (Bell Atlantic had established demarcation points on each floor of an apartment building, which later were moved to MPOE).

6 ICI notes that NYNEX's intrabuilding channel termination is referenced for the purpose of demonstrating that there are no technical or operational factors that militate against this form of subloop unbundling for conduit and cable within a multitenant building. Reference to the tariffed offering should not be construed as an endorsement of the rates established by NYNEX for the service -- ICI has not reviewed any cost support associated with the service, and takes no position on the reasonableness *vel non* of the tariffed rates.

locations near -- and up to 12 inches inside -- individual tenant premises within multitenant buildings.[7] This practice is followed by the Public Utilities Commission of Ohio ("PUCO"), which cites the Commission's policies with approval.[8]

In all of these cases, the ILEC local loop plant extends to the customer premises within a multitenant building, or to individual buildings within a campus or park setting. Points of aggregation or cross-connection in these configurations are segregable network elements which must be made available to competitive carriers on an unbundled basis.

III. CONCLUSION

ICI respectfully requests that the Commission adopt network unbundling and interconnection rules in conformance with the discussion contained herein.

Respectfully submitted,

Jonathan E. Canis
Wendy I. Kirchick
Reed Smith Shaw & McClay
1301 K Street, N.W.
Suite 1100 East Tower
Washington, DC 20005
Telephone: (202) 414-9200

Counsel for

INTERMEDIA COMMUNICATIONS INC.

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7 47 C.F.R. §§ 68.3(b)(1)-(2).

8 Public Utilities Commission of Ohio, *The Commission's Investigation into the Detariffing of the Installation and Maintenance of Simple and Complex Inside Wire*, Case No. 86-927-TP-COI (Nov. 23, 1994), at 21.